

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1277 be amended to read as follows:

- 1 Page 5, between lines 32 and 33, begin a new paragraph and insert:
2 "SECTION 5. IC 13-18-22-1, AS ADDED BY P.L.282-2003,
3 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 1. (a) Except as provided in subsection (b), a
5 person proposing a wetland activity in a state regulated wetland must
6 obtain a permit under this chapter to authorize the wetland activity.
7 (b) A permit is not required for the following wetland activities:
8 (1) ~~The discharge of dirt, sand, rock, stone, concrete, or other~~
9 ~~inert fill materials in a de minimis amount.~~
10 ~~(2)~~ A wetland activity at a surface coal mine for which the
11 department of natural resources has approved a plan to:
12 (A) minimize, to the extent practical using best technology
13 currently available, disturbances and adverse effects on fish
14 and wildlife;
15 (B) otherwise effectuate environmental values; and
16 (C) enhance those values where practicable.
17 ~~(3)~~ (2) Any activity listed under Section 404(f) of the Clean Water
18 Act, including:
19 (A) normal farming, silviculture, and ranching activities, such
20 as plowing, seeding, cultivating, minor drainage, harvesting for
21 the production of food, fiber, and forest products, or upland
22 soil and water conservation practices;
23 (B) maintenance, including emergency reconstruction of
24 recently damaged parts, of currently serviceable structures

- 1 such as dikes, dams, levees, groins, riprap, breakwaters,
2 causeways, and bridge abutments or approaches, and
3 transportation structures;
4 (C) construction or maintenance of farm or stock ponds or
5 irrigation ditches, or the maintenance of drainage ditches;
6 (D) construction of temporary sedimentation basins on a
7 construction site that does not include placement of fill material
8 into the navigable waters; and
9 (E) construction or maintenance of farm roads or forest roads,
10 or temporary roads for moving mining equipment, where the
11 roads are constructed and maintained, in accordance with best
12 management practices, to assure that:
13 (i) flow and circulation patterns and chemical and biological
14 characteristics of the navigable waters are not impaired;
15 (ii) the reach of the navigable waters is not reduced; and
16 (iii) any adverse effect on the aquatic environment will be
17 otherwise minimized.
18 (c) The goal of the permitting program for wetland activities in state
19 regulated wetlands is to:
20 (1) promote a net gain in high quality isolated wetlands; and
21 (2) assure that compensatory mitigation will offset the loss of
22 isolated wetlands allowed by the permitting program."
23 Renummer all SECTIONS consecutively.
 (Reference is to HB 1277 as printed January 30, 2004.)

Representative Pierce